

Applicant : Lars Tommy Westbye, et al.
Appl. No. : 10/626,218
Examiner : Catherine Witczak
Docket No. : 706737.4003

Remarks/Arguments

Reconsideration of this application is requested.

By the present amendment, the Abstract has been shortened as required by the Examiner.

Independent Claims 1, 25, 33, 34 and 35 have been amended to specifically define a "pre-filled medical cartridge" to more completely and accurately define the subject matter being claimed.

With respect to the Section 103 rejection, it is respectfully submitted that the combination of three references as proposed by the Examiner is improper and is presented purely by hindsight. The inventor and the undersigned have discussed the claims, the Section 103 rejection and the cited art, and the inventor is intimately familiar with particularly the device of Stewart and the device of Doyle (which is assigned to the Assignee of the present invention). The inventor points out that one cannot physically put the syringe device of Doyle into the device of Stewart. Furthermore, if Doyle could be added to the device of Stewart it would not work because it would jam up. It would be necessary to take the shield of Doyle off, put in the remaining syringe, do the injection, take out the syringe and put the Doyle shield back on. Simply put, the Doyle device would not fit in the Stewart device.

The device of the present invention comprises a pre-filled syringe with a safety device attached which will automatically extend a shield over the needle after an injection has been made. It is a syringe with a pre-attached system and an auto-eject device, and clearly is not obvious, nor is it obvious to make the combination proposed by the Examiner.

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In view of the foregoing, favorable reconsideration of this application and a Notice of Allowance is earnestly solicited.

Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 150665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 1-8-07

By:



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